

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Harry L. Bierley,	:	
Plaintiff	:	Civil Action No. 05-07E
V	:	
Jo Anne B. Barnhart,	:	Judge Sean McLaughlin
Commissioner of Social Security	:	
Defendant	:	

Motion to Stay Finality of Judgment,  
and/or  
Motion For Relief From Judgment

1. And now, on July 12, 2005, comes the pro se plaintiff before the Honorable Court to present the above captioned pleadings vie the erroneous order dated July 12, 2005 that denied reconsideration for obtaining medical records.

2. A serious miscarriage of justice with egrecious denial of both procedural and substantial due process of law occurred in the instantly relevant "conviction" at CP 38 of 90, Erie, Co., PA, Com V Bierley, and, said illicitness of that conviction is the gravaman of plaintiff's complaint against Ms. Barnhart.

3. The medical records are needed to prove that the State's three principal witnesses knowingly committed perjury to get said "conviction". They include James Hibbler himself, and, so, it is lurid for the court to suggest that I must obtain Mr. Hibbler's permission to get those medical records.

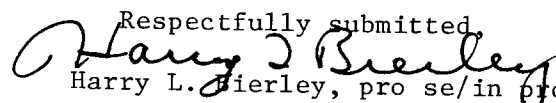
4. Apparently in observance of federal doctrines of abstention, comity, and federalism, this Court is wrongfully denying me the needed medical records with a highly contestable claim that they are NOT relevant to adjudication.

5. Plaintiff MUST have those records, however, with a sole income of 1100 dollars per month from disability, he CANNOT afford to pay the \$255.00 appeal fee. Present debts owed are \$22,000 and mounting rapidly. Also, the likely denial of those records by the Third Circuit Court will necessitate a \$500.00 Application for Writ of Certiorari in the United States Supreme Court.

6. Therefore, plaintiff moves the Honorable Court to stay finality on the 7/12/2005 order to allow him time to apply for a writ of error in PA Supreme Court and a likely appeal to the U. S. Supreme Court

7. Alternatively, the plaintiff does move the Honorable court to vacate the judgment of 7/12/2005 along with the two prior orders denying medical records. It Is So Prayed.

c.o. L. Kowalski  
3123 German St., Erie, PA 16504  
Copy to U. S. Attorney in ERie Federal  
Courthouse by personal service.

Respectfully submitted,  
  
Harry L. Bierley, pro se/in pro per